

IC 4-13.6

ARTICLE 13.6. STATE PUBLIC WORKS

IC 4-13.6-1

Chapter 1. Definitions

IC 4-13.6-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-2

"Board"

Sec. 2. "Board" refers to the certification board established by IC 4-13.6-3-3.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-2.5

"Commissioner"

Sec. 2.5. "Commissioner" refers to the commissioner of the department.

As added by P.L.14-1986, SEC.7.

IC 4-13.6-1-3

"Contractor"

Sec. 3. "Contractor" means any person who has entered into or seeks to enter into a public works contract with the division.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-4

"Department"

Sec. 4. "Department" refers to the Indiana department of administration established by IC 4-13-1-2.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-5

"Director"

Sec. 5. "Director" means the director of the division.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-6

"Division"

Sec. 6. "Division" refers to the public works division of the department established by IC 4-13.6-3-2.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-7

"Escrowed income"

Sec. 7. "Escrowed income" means the value of all property held

in an escrow account over the escrowed principal in the account.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-8

"Escrowed principal"

Sec. 8. "Escrowed principal" means the value of all cash, securities, or other property placed in an escrow account by the division or a contractor as a retainage on a public works contract.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-9

"Governmental body"

Sec. 9. "Governmental body" means any agency, board, bureau, commission, committee, council, department, office, or other authority of the executive, including the administrative, department of state government.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-10

"Person"

Sec. 10. "Person" means any association, corporation, limited liability company, fiduciary, individual, joint stock company, joint venture, partnership, sole proprietorship, or other private legal entity.

As added by P.L.24-1985, SEC.7. Amended by P.L.8-1993, SEC.25.

IC 4-13.6-1-11

"Professional services"

Sec. 11. "Professional services" mean the services of:

- (1) a person registered or certified under IC 25-4;
- (2) a person licensed under IC 25-31; or
- (3) a person who performs services or studies that:
 - (A) relate to the design or the feasibility of a building, structure, or improvement; and
 - (B) are recognized in the industry as professional in nature.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-12

"Public funds"

Sec. 12. "Public funds" means any funds for which a state officer is accountable by virtue of the state officer's public office, whether or not impressed with a public interest.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-13

"Public works"

Sec. 13. (a) "Public works" means either of the following:

- (1) The process of altering, building, constructing, demolishing, improving, or repairing a public building or structure.
- (2) A public improvement to real property owned by, or leased in the name of, the state.

(b) The term includes the following:

- (1) The preparation of drawings, plans, and specifications for a process or improvement described in subsection (a).
- (2) The routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

As added by P.L.24-1985, SEC.7. Amended by P.L.49-1997, SEC.18.

IC 4-13.6-1-14

"Public works contract" or "contract"

Sec. 14. "Public works contract" or "contract" means a contract between the division and a person for the performance of some work or service related to the completion of a public works project for a governmental body. However, the terms "public works contract" or "contract" do not include contracts for professional services, unless specifically provided to the contrary.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-15

"Responsible contractor"

Sec. 15. "Responsible contractor" means a contractor that:

- (1) is capable of performing a public works contract fully;
- (2) has the integrity and reliability that will insure good faith performance; and
- (3) is qualified under IC 4-13.6-4, if applicable.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-16

"Responsive contractor"

Sec. 16. "Responsive contractor" means a contractor that has submitted a bid or a quotation in conformity with instructions, contract documents, terms, and other conditions for a contract.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-17

"Retainage"

Sec. 17. "Retainage" means any amount to be withheld from a payment to a contractor or subcontractor under the terms of a contract until the occurrence of a specified event.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-18

"Subcontractor"

Sec. 18. "Subcontractor" means any person entering into a contract with a contractor to furnish labor or labor and materials used in the actual construction of a public works project. For purposes of this section, labor used in delivery and unloading of materials at a project site is not considered to be labor used in the actual construction of a public works project.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-19**"Substantial completion"**

Sec. 19. "Substantial completion" means the condition of a public work when it is sufficiently completed, in accordance with the contract documents as modified by any completed change orders agreed to by the parties, so that the governmental body for which the public work is intended can occupy or take possession of the public work and use it as it is intended to be used.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-20**"Supplier"**

Sec. 20. "Supplier" means any person supplying materials, but no onsite labor, to a contractor or to a subcontractor.

As added by P.L.24-1985, SEC.7.